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Excerpt From Judge's Statement to the Jury

Following is an excerpt from the remarks yesterday of Judge Pierre N. Leval to the jury in the Westmoreland case:

The jury system in this country is an extraordinary thing. Juries are composed of men and women drawn at random from lists of citizens who are then given great responsibility and power. We demand of them that they put aside bias, listen to the evidence and judge as fairly as they would wish to be judged. It's a tall order, and you have shown from the first that the job was in good hands.

The settlement of the action depends on a verdict. I can understand if you

feel a sense of letdown, a sense of disappointment. I want to suggest some thoughts on the other side.

We have been participants in a most interesting and unusual proceeding, a trial seeking the judgment of history. There can be no such thing as the legal power to fix the judgment of history. Such judgments must be left to study, reflection and debate.

We have watched the creation in this courtroom of an extraordinary, unique and rich record for historians to study. I suggest that the value of this proceeding may have more to do with the record it has created for history than with the verdict it could have produced.

Judgments of history are too subtle and too complex to be resolved satisfactorily with the simplicity of a jury's verdict, such as "we find for the plaintiff," or "we find for the defendant." Also, they are too subject to debate and disagreement to be resolved by any legally constituted authority.

I think it is safe to say that no verdict or judgment that either you or I would have been able to render in this case could have escaped widespread disagreement.

So I suggest to you that it may be for the best that the verdict will be left to history.